



General Assembly

Distr.  
GENERAL

A/38/270  
7 July 1983

ORIGINAL: ENGLISH

Thirty-eighth session  
Item 12 of the preliminary list\*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Seminar on violations of human rights in the Palestinian  
and other territories occupied by Israel

Note by the Secretary-General

1. At its thirty-ninth session, the Commission on Human Rights adopted resolution 1983/1 A of 15 February 1983, in which it made reference, *inter alia*, to the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, which was held at Geneva from 29 November to 3 December 1982. By paragraph 12 of that resolution, the Commission requested the Secretary-General to submit the report of the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel to the General Assembly at its thirty-eighth session and to draw its attention particularly to the conclusions, recommendations and appeal adopted by the Seminar.
2. The attention of the General Assembly is accordingly drawn to the report of the Seminar contained in document ST/HR/SER.A/14 and in particular to the conclusions and recommendations (chap. IV) and to the appeal adopted by the Seminar (chap. V) which are reproduced in the annex to the present note.

\* A/38/50/Rev.1.

ANNEX

Conclusions, recommendations and appeal adopted by the Seminar  
on violations of human rights in the Palestinian and other  
Arab territories occupied by Israel

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

95. Following its consideration of the draft proposals submitted to it by the Rapporteur at its 7th meeting on 3 December 1982, the Seminar adopted, by consensus, the following conclusions and recommendations:

A. CONCLUSIONS

(1) The Seminar affirms once again the inalienable rights of the Palestinians to self-determination including the right to establish their own State in their homeland: Palestine. In addition to the fact that the occupation itself constitutes a crude violation of human rights of the Palestinian people, Israel has committed grave and mass violations of human rights and fundamental freedoms in the Palestinian and other Arab territories occupied by Israel. The Seminar emphasized by a wide majority that there will be no solution and no peace in the Middle East without the clear recognition and implementation of the inalienable rights of the Palestinian people, the full participation of its sole legitimate representative, the PLO, and the total withdrawal of Israeli forces from all the occupied territories, including Jerusalem.

(2) The Israeli occupation is a dynamic and active process resulting in the transformation of the demographic constitution of the occupied territories, and in their eventual annexation: the time-factor is thus crucial.

(3) The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War is fully applicable to all Arab territories occupied by Israel.

(4) The Seminar has concluded by a wide majority that Israel had committed acts which would be tantamount to genocide under article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, and the State Party to the Genocide Convention could invoke the compulsory jurisdiction of the Court without the prior consent of Israel.

(5) Israel has seriously contravened the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

(6) The guarantees provided for in articles 27, 31, 32, 33, 34 and 47 of the above-mentioned Convention are not subject to derogation, even on the grounds of the security requirements of the occupying Power for reasons of military necessity. The violation of any of these provisions is considered to be a grave breach under article 147. Moreover, the population may not be deported from the

occupied territory for any reason whatsoever, nor may the population of the occupying Power be transferred to the occupied territory.

(7) The persistent violations of human rights by Israel derive from the fact of many years of military occupation and of the policy of occupation, settlement and annexation. The Palestinian people under occupation cannot enjoy their fundamental rights so long as they are denied the right of self-determination.

(8) The Seminar in conclusion reaffirms:

- (i) that the right of self-determination, regarded as a peremptory norm of contemporary international law, is an inherent right of all peoples. The Palestinian people have an equal title to this right;
- (ii) that a truly free choice by a people with regard to the State in which it will live, or the political or social system it will establish, cannot be made in the presence of foreign troops. The initial condition for the exercise of the right of self-determination by the Palestinians would therefore be the unconditional withdrawal of Israeli troops from the territories involved;
- (iii) the General Assembly resolutions and recommendations that the Palestinian refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for the loss of or damage to property which under the principles of international law or in equity should be made good by the Government or authorities responsible.

(9) The international community recognizes that the violation of human rights in the occupied territories will cease only when the Palestinian people are allowed to enjoy their right to self-determination. Syrian citizens of the Golan Heights who are under Israeli occupation will not secure their own rights until the occupation of their territory comes to an end.

(10) The Palestinian people's inalienable right to self-determination is not extinguished by the coercive displacement of the people from the territory after the right has accrued to this very people on that very territory.

(11) The right to self-determination of the Palestinian people includes the right to regain their rights by all means which are in accordance with the purposes and principles of the Charter of the United Nations.

(12) The Seminar has concluded by a wide majority that the right to self-determination of the Palestinian people includes the principle that the future of the Palestinian people can only be decided with its full participation in all efforts through its sole legitimate representative, the Palestine Liberation Organization.

(13) The forceful displacement of individuals from the territory to which they belong, and the denial of their return thereto, are prohibited by international law.

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(14) The General Assembly, in its resolution 2535 (XXIV) of 10 December 1969, acknowledged the interrelationship between the right of return and the right of self-determination of the Palestinian people.

(15) The provisions of the "right to return" are binding upon Israel as a Member State of the United Nations and it is therefore pledged to the observance of the laws of the Charter and respect for the implementation of the decisions of its organs, including resolution 194 (III) of 1948 on the Palestinians' right to return.

(16) The denial of the right of return results in denials of other fundamental human rights enumerated in article 1 of the two International Covenants on Human Rights.

(17) The denial of the right of return to Palestinians violates the spirit of articles 1 (4) and 2 of the International Covenant on the Elimination of All Forms of Racial Discrimination.

(18) The laws applicable in the occupied Arab territories have been totally eclipsed by a plethora of military orders that have established de facto a new legal régime.

(19) Palestinians and other Arabs in the occupied territories are deprived of most kinds of protection, juridical, or otherwise. They are victims of legislation based on so-called "security" considerations, involving mass arrests, torture, destruction of houses and the expulsion of people from their homes, and the expropriation of land to settle the population of the occupying Power. Clearly these acts cannot be justified by considerations of "security" and they constitute flagrant violations of humanitarian law.

(20) The establishment of Israeli settlements in the occupied territories and the consequent transfer of parts of the Israeli civilian population into these territories constitute a grave breach of article 49 of the Fourth Geneva Convention of 1949 and are inconsistent with Israeli status as an occupying Power.

(21) Israeli practices in the occupied territories, including the establishment of settlements, are contrary to The Hague regulations of 1907 concerning Laws and Customs of War on Land.

(22) The prolonged occupation has resulted in the complete subjugation of the economy of the occupied territories to the Israeli economy. Agriculture in these territories, normally the main economic sector, is totally conditioned by vicissitudes of Israeli agriculture.

(23) The depression in the economy of the Palestinians has led many of them to leave the occupied territories to work abroad. Many also have had to travel daily to Israel to do unskilled or semi-skilled work. The treatment of such workers, and the pressures on the trade unions which cater to the interests of those who do manage to earn a living within the occupied territories, is a matter of concern which is eloquently described in the report of the Director-General of the International Labour Organisation to the sixty-eighth session of the International Labour Organisation Conference in 1982.

(24) The cultural life of the Palestinians is also affected by the restraints on freedom of movement, freedom of expression, freedom of assembly and freedom of religion, as well as by other restrictions.

(25) No one is free to enjoy his rights if he, himself, is not involved, directly or indirectly, in the determination and the application of his rights and obligations as a citizen. In a situation of occupation it is the occupying Power which dictates the limits of these rights. Years of occupation have shown that the Government of Israel as an occupying Power has legislated in such a manner as to subject the civilian population to the Israeli Government. Palestinians are denied their inalienable right to participation, social welfare, economic well-being, education and to develop as a society.

(26) The Seminar condemns the recent Israeli invasion of Lebanon as an illegal act in all its aspects which culminated in the massacre of thousands of innocent civilians in that country and especially in the Sabra and Shatila Camps of West Beirut. In the course of this aggression Israel has committed acts which most participants considered to fall clearly within the definitions of war crimes, the crime of genocide and crimes against humanity. A large part of Lebanese territory is still under Israeli occupation, and the human, civil and national rights of both Lebanese and Palestinian inhabitants are brutally denied in those areas, while the Palestinian refugee population in the occupied part of Lebanon is living under a permanent and avowed threat of mass expulsion.

#### B. RECOMMENDATIONS

96. The Seminar made the following recommendations to the Commission on Human Rights of the United Nations:

(1) Impartial and objective investigations in the occupied territories should be made according to the procedure provided in article 149 of the Fourth Geneva Convention of 1949.

(2) A conference of States Parties to the Geneva Convention should be convened in order to study the ways and means of implementing the Geneva Conventions of 1949 in the Palestinian and other Arab territories occupied by Israel.

(3) The international community should nominate a Protecting Power in order to scrutinize in a complete and impartial manner the situation in the occupied territories and to safeguard the interests and rights of the Palestinian people in the occupied territories.

(4) The question of prisoners detained by Israel, both Palestinian and Lebanese, combatants and civilians, should be specially considered, and all the legal instruments should be put into action in order to bring Israel to abide by the norms of international law.

(5) The mandate of UNRWA should be revised to guarantee proper legal and physical protection to Palestinian refugees.

(6) States Parties to the Fourth Geneva Convention of 1949 should:

- (i) make use of article 1 of the Convention and insist with Israel that it should strictly comply with the provisions of the Convention;
- (ii) be asked to submit a report to the Secretary-General stating whether they have availed themselves of article 1 and, if not, the precise reasons why they have refrained from doing so.

(7) The States Parties which have leverage on Israel should be urged to exert pressure on the Israeli Government to withdraw from all the Arab territories occupied in the war of 1967 and to comply with the pertinent United Nations resolutions as well as with the norms of international law.

(8) All Member States of the United Nations should be made to realize that by providing political, military and economic assistance to Israel they are preventing the implementation of the United Nations resolutions on the question of Palestine and the Middle East, and encouraging Israel to promote a policy of aggression, occupation and violation of human rights.

(9) Member States of the United Nations and the whole international community should support actively the struggle of the Palestinian people for the recovery of their inalienable national rights, through co-operation with their legitimate and recognized representative, the Palestine Liberation Organization.

(10) Member States of the United Nations should consider, within the framework of the United Nations, imposing sanctions upon Israel analogous to those imposed on South Africa, in order to force Israel to reverse its continued policy of the use of force and to comply with the norms of international law.

(11) An appeal should be made to the world press and the recognized associations of journalists, writers and other mass media for their co-operation and help to the Palestinians in achieving their goals and in disseminating information relating to the Palestinian question.

## CHAPTER V

### APPEAL ADOPTED BY THE SEMINAR

97. The Seminar at its 7th meeting on 3 December 1982 adopted by consensus an appeal, the text of which is given below:

We, the participants in the United Nations Seminar on the Violation of Human Rights in the Palestinian and other Arab Territories occupied by Israel,

Considering that Israel has persistently violated international rules and norms of conduct in its practices in the occupied Palestinian and other Arab territories, including Jerusalem, in spite of repeated Security Council resolutions which called on Israel to desist forthwith from altering the geographic features, demographic character and legal status of the occupied territories, including Jerusalem, and to cease, on an urgent basis, the establishment, construction and

planning of settlements in the Arab territories occupied since 1967, including Jerusalem, and that Israel has continued and intensified its activities aiming at the annexation of those territories,

Considering that the international community has declared Israel's activities and measures imposed on the occupied territories as null and void,

Considering further that Israel has effectively incorporated the economy of the occupied territories into Israel's economy and is promoting the produce of the Jewish settlements while at the same time depriving the Arab farmers of their lands and water rights,

Considering also that Israel is illegally settling Jewish immigrants in the occupied Arab territories while at the same time denying the Palestinian people the right to return to their homeland,

1. Appeal to non-governmental organizations and people of countries which maintain bilateral and multilateral commercial trading and aid relations with Israel to urge their Governments to apply trade sanctions against Israel in conformity with the Charter of the United Nations and with their officially declared policies which consider Israel's practices and activities in the occupied Arab territories including Jerusalem as null and void;

2. Appeal also to non-governmental organizations and people of countries whose Jewish communities are the target of Zionist emigration (Aliyah) programmes, to urge their Governments to restrict Zionist activities promoting Jewish emigration to Israel as long as Israel continues its occupation and settlement of the Arab territories, including Jerusalem, and continues to deny the Palestinians the right to return to their country.

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